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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/973,303	10/09/2001	Nobuo Ogasawara	47410/JEC/F179	8147

7590 11/29/2001  
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EXAMINER

RICE, KENNETH R

ART UNIT PAPER NUMBER

2167

DATE MAILED: 11/29/2001

Please find below and/or attached an Office communication concerning this application or proceeding.

HG

# Office Action Summary

Application No.  
09/973,303

Applicant(s)  
Ogasawara

Examiner  
Kenneth R. Rice

Group Art Unit  
2167

--The MAILING DATE of this communication appears on the cover sheet beneath the correspondence address--

## Period for Response

A SHORTENED STATUTORY PERIOD FOR RESPONSE IS SET TO EXPIRE 3 MONTHS FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a response be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for response specified above is less than thirty (30) days, a response within the statutory minimum of thirty (30) days will be considered timely.
- If NO period of response is specified above, such period shall, by default, expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to respond within the set or extended period for response will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).

## Status

- ☐ Responsive to communication(s) filed on \_\_\_\_.
- ☐ This action is FINAL.
- ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under Ex parte Quayle, 1935 C.D. 11; 453 O.G. 213.

## Disposition of Claims

- ☐ Claim(s) \_\_\_\_ is/are pending in the application.  
Of the above, claim(s) \_\_\_\_ is/are withdrawn from consideration.
- ☐ Claim(s) \_\_\_\_ is/are allowed.
- ☐ Claim(s) \_\_\_\_ is/are rejected.
- ☐ Claim(s) \_\_\_\_ is/are objected to.
- ☒ Claims \_1-33\_ are subject to restriction or election requirement.

## Application Papers

- ☐ See the attached Notice of Draftsman's Patent Drawing Review, PTO-948.
- ☐ The proposed drawing correction, filed on \_\_\_\_ is ☐ approved ☐ disapproved.
- ☐ The drawing(s) filed on \_\_\_\_ is/are objected to by the Examiner.
- ☐ The specification is objected to by the Examiner.
- ☐ The oath or declaration is objected to by the Examiner.

## Status of Priority under 35 U.S.C. § 119 (a)-(d)

- ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).
  - ☐ All ☐ Some\* ☐ None of the CERTIFIED copies of the priority documents have been received.
  - ☐ received in Application No. \_\_\_\_.
  - ☐ received in this national stage application from the International Bureau (PCT Rule 17.2(a)).
- \*Certified copies not received: \_\_\_\_.

## Attachment(s)

- ☐ Information Disclosure Statement(s), PTO-1449
- ☐ Notice of References Cited, PTO-892
- ☐ Notice of Draftsman's Patent Drawing Review, PTO-948
- ☐ Interview Summary, PTO-413
- ☐ Notice of Informal Patent Application, PTO-152
- ☐ Other

## Office Action Summary

### PART III: REASONS FOR REJECTIONS AND OBJECTIONS

Restriction to one of the following inventions is required under 35 USC 121:

I. Claims 1-9, drawn to a system of controlling product items with shelf-life limitations, classified in Class 705, subclass 23, input by product or record sensing (weighting, scanner processing) including point of sale terminal or cash register or cash register.

II. Claims 10-18, drawn to an apparatus for controlling product items with shelf-life limitations, classified in Class 705, subclass 23, input by product or record sensing (weighting, scanner processing) including point of sale terminal or cash register or cash register.


III. Claims 18-33, drawn to a method of managing consumption of expiration dated product, classified in Class 703, subclass 28, inventory management.

Inventions I, and III are related as subcombinations disclosed as usable together in a single combination. The subcombinations are distinct from each other if they are shown to be separately usable. In the instant case, each invention has separate utility independent of the other inventions. See MPEP 806.05(d).

Inventions I and II are related as process of using and apparatus used. The inventions are distinct if either or both of the following can be shown: (1) that the process as claimed can be used with an other and materially different apparatus or (2) that the apparatus as claimed can be used by another and materially different process (MPEP 806.05(f)). In the instant case the apparatus claimed can be used for many other programmable applications.

Because these inventions are distinct for the reasons given above and have acquired a separate status in the art as shown by their different classification, and presents an additional burden to the examiner, restriction for examination purposes as indicated is proper.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kenneth Rice at (703) 308-3495. Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist at (703) 305-3900.

  
Kenneth R. Rice 11/27/01  
Primary Examiner  
Art Unit 2167